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NO. 2747 P. 7

AUG 17 2006

Docket No.: 00306-00142-USU
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Johnnie R. Roberts et al.

Application No.: 09/916611

Confirmation No.: 8709

Filed: July 27, 2001

Art Unit: 1616

For: MANUFACTURE AND USE OF A
HERBICIDE FORMULATION

Examiner: A. N. Pryor

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated May 3, 2006, please amend the above-identified
U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2
of this paper.

Remarks/Arguments begin on page 26 of this paper.

463649

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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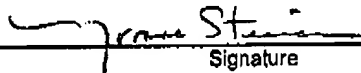
Application No. (if known): 09/916611

Attorney Docket No.: 00308-00142-USU

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on August 17, 2006
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Amendment Cover Letter
Submission of Amendment
Amendment in Response to Non-Final Office Action

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FAX TRANSMISSION

MS Amendment

DATE: August 17, 2006

PTO IDENTIFIER: Application Number 09/916611-Conf. #8709
Patent Number

Inventor: Johnnie R. Roberts et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
Ashley I. Pezzner

PHONE: (302) 658-9141

Attorney Dkt. #: 00306-00142-USU

PAGES (Including Cover Sheet): 35

CONTENTS: Certificate of Transmission
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CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899
Telephone: (302) 658-9141 Facsimile: (302) 658-5614

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PTO/BB/17 (01-05)

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FEE TRANSMITTAL For FY 2006		Complete if Known	
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number 09/916,811-Conf. #2968 Filing Date July 27, 2001 First Named Inventor Johnnie R. Roberts Examiner Name A. N. Pryor Art Unit 1616 Attorney Docket No. 00306-00142-USU	
TOTAL AMOUNT OF PAYMENT (\$) 0.00			
METHOD OF PAYMENT (check all that apply)			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____			
<input type="checkbox"/> Deposit Account Deposit Account Number 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP			
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)			
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee			
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments			
FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)			
1. BASIC FILING, SEARCH, AND EXAMINATION FEES			
FILING FEES	SEARCH FEES	EXAMINATION FEES	
Small Entity Fee (\$)	Small Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Application Type	Fee (\$)	Fee (\$)	
Utility	300	500	200
Design	200	100	130
Plant	200	300	160
Reissue	300	500	600
Provisional	200	0	0
2. EXCESS CLAIM FEES			
Fee Description	Fee (\$)	Small Entity Fee (\$)	
Each claim over 20 (including Reissues)	50	25	
Each independent claim over 3 (including Reissues)	200	100	
Multiple dependent claims	360	180	
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
75	- 62 =	x	=
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
5	- 5 =	x	=
HP = highest number of independent claims paid for, if greater than 3.			
3. APPLICATION SIZE FEE			
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)
	- 100 =	/ 50	(round up to a whole number) x
4. OTHER FEE(S)			
Non-English Specification, \$130 fee (no small entity discount)			Fees Paid (\$)
Other (e.g., late filing surcharge):			
SUBMITTED BY			
Signature	Registration No. (Attorney/Agent)	Telephone	Date
Name (Print/Type)	35,646	(302) 658-9141	August 17, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: _____ Signature: _____ (Ashley I. Pezzner)

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PTO/88/17 (01-08)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL For FY 2006		Complete if Known	
		Application Number	09/916,611-Conf. #2968
		Filing Date	July 27, 2001
		First Named Inventor	Johnnie R. Roberts
		Examiner Name	A. N. Pryor
		Art Unit	1616
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	00308-00142-USU
TOTAL AMOUNT OF PAYMENT (\$) 0.00			

METHOD OF PAYMENT (check all that apply)	
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<input type="checkbox"/> Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP	
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

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Utility	300	150	500	250	200	100															
Design	200	100	100	50	130	65															
Plant	200	100	300	150	160	80															
Reissue	300	150	500	250	600	300															
Provisional	200	100	0	0	0	0															
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<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>															
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SUBMITTED BY			
Signature	<i>Ashley I. Pezzer</i>	Registration No. (Attorney/Agent)	35,646
Name (Print/Type)	Ashley I. Pezzer	Telephone	(302) 658-9141
		Date	August 17, 2006

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